

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, JUNE 05, 2007 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT:	Kevin Lane	Chairman
	Reese Nielsen	Vice-Chairman
	Joan Peterson	Commissioner
	Lynda Berry	Alternate
	Roger Handy	Alternate
	Kathy Philpot	Alternate
CITY STAFF:	Mark Teuscher	City Planner
EXCUSED:	Steve Hill	City Council Liaison
	Miles Brown	Commissioner
	David Hipp	Commissioner
	Bill McGaha	Commissioner
	Barbara Poelman	Commissioner
	Eliza McGaha	Administrative Secretary

AGENDA

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

APPLICATION #2931 / PUBLIC HEARING / DESIGN REVIEW / 80 EAST 800 SOUTH / BANK OF UTAH

APPLICATION #2865 / KOTTER CANYON SUBDIVISION, PRELIMINARY PLAT / 1400 NORTH MAIN / KOTTER CANYON ESTATES LLC

APPLICATION #2930 / CONDITIONAL USE PERMIT – HOME OCCUPATION / 314 WEST 500 NORTH / SHANNA SMITH

APPLICATION #2651 / DESIGN GUIDELINES FOR 1100 SOUTH / BRIGHAM CITY CORPORATION

APPLICATION #2924 / DESIGN GUIDELINES FOR WEST FOREST STREET / BRIGHAM CITY CORPORATION

APPLICATION #2925 / DESIGN GUIDELINES FOR HISTORICAL DOWNTOWN/ BRIGHAM CITY CORPORATION

PUBLIC INPUT:

DISCUSSION:

REGULAR MEETING

Chairman Lane opened the regular meeting at 6:33 p.m. Commissioner Peterson led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES

In the March 20, 2007 work session and regular meeting minutes there are inconsistencies. Commissioner Nielsen could not have conducted the meeting and made motions. Commissioner Brown is listed as being present during the work session and excused during the regular meeting. Ms. McGaha will need to check the notes and make corrections.

MOTION: A motion was made by Commissioner Nielsen to continue approval of the March 20, 2007 work session and regular meeting minutes to the June 19, 2007

meeting. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2931 / PUBLIC HEARING / DESIGN REVIEW / 80 EAST 800 SOUTH / BANK OF UTAH
This is the design review for the expansion of the Bank of Utah building.

MOTION: A motion was made by Commissioner Nielsen to open the public hearing on application #2931. The motion was seconded by Commissioner Peterson and passed unanimously.

Tom Shaw, Bank of Utah, came forward. He stated that they have tried to make this an aesthetically pleasing building that will almost mimic their existing structure to include a second skylight so the building will balance on both sides, get rid of the weeds on the south and extend their building, parking lot and lighting. They have a pillared entrance on the west of the building and will duplicate that on the south of the building to make a very pleasing view of the building from Main Street.

MOTION: A motion was made by Commissioner Nielsen to close the public hearing on application #2931. The motion was seconded by Commissioner Peterson and passed unanimously.

Mr. Shaw stated that he had not seen the Staff comments. He also said they were going to eliminate the outside row of parking. Mr. Teuscher told Mr. Shaw that the Code requires all accesses in the commercial zone be 20-feet so their proposed access will need to be shifted 20-feet or, if they are willing to work with the neighboring property owner, they could do a shared access. Staff will need to see the cross-easements in the design and something from the property owner for a shared access or shift the currently proposed access 20-feet in the design. Mr. Shaw commented that they intend to follow the same landscape they had which will go all the way around the parking lot and the facility. Mr. Teuscher commented that Staff could work with the applicant to take care of the remaining issues.

MOTION: A motion was made by Commissioner Nielsen to approve the design review for application #2931 with the stipulation that it comply with Staff and Engineering comments and such comments be resolved between the applicant and the staff; that the design review comply with Chapter 29.11 of the Brigham City Code; based on the findings of fact that such use will not under the circumstances of this particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity; that such use is found to be in compliance with Design Review Chapter 29.11 and that such use is in compliance with the Brigham City General Plan. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2865 / KOTTER CANYON SUBDIVISION, PRELIMINARY PLAT / 1400 NORTH MAIN / KOTTER CANYON ESTATES LLC

Since the last meeting, the applicant submitted responses to the Staff comments; those comments have been combined with the staff evaluation and all bolded comments are the staff response to those issues. The primary outstanding issues are sidewalk on the north side of 1500 North. Most of the other issues are technical issues that the staff will need to work with the applicant on such as locating hydrants and the sewer lines.

Kevin Parkinson, Kotter Canyon; Royce Richards, Kotter Canyon, and Michael Jensen, Hansen and Associates, came forward. Commissioner Nielsen asked what the status was of the high risk of debris flow that Western Geologic is generating. Mr. Jensen replied that they are still in the process of working with that. Hansen & Associates generated the storm drain runoff to calculate that event. Until they came to a 200-year event, there was nothing that came off the mountain side. The ground up there is extremely porous and the water seeps right into the ground and goes into an underground aquifer so any surface runoff would have to exceed a 200-year storm event. They feel very confident that they will be able to get this resolved. The geotechnical report is done and in that report it was recommended to do a landslide hazards analysis and that is in progress. The wetlands issue is being defined and needs to be reviewed by the Army Corps of Engineers. There will need to be some readjustments to part of the property. There is still no response from the Utah Department of Transportation (UDOT). Part of the North Forty development is the pioneering agreement and when that comes into effect this developer will have to pay SWM Services a portion of their impact fees on the lift station. That will not happen until the final plat is approved. The fire hydrant issue still needs to be worked out.

The storm drainage issue is being met by following the design guidelines from Jones and Associates. They are installing the State minimum size of pipes for fire flow and it shouldn't be an issue if it is required to upsize any of the pipes. The development agreement will require the developer to cover up to \$60,000 of the shortfall of the sewer line. The developer will complete all of the improvements and will be refunded. One option is to take the impact fees and reimburse them up to the full amount out of the subdivision. Another option is they will fund up to \$60,000; anything over that will be put

into a pioneering agreement that will reimburse them, in other words, as a result of that anyone that develops further on that sewer line is going to have cost impact.

In regards to the road and the acquisition of property, the developers stated that the night of the last meeting they had tried to set up a meeting with the property owner but it seems to them to be a cat and mouse game. The property owner was never available and they are to the point they are not willing to negotiate with him anymore. The road, as it is currently proposed, does meet the minimum requirements. There will be 26-feet of paved travel surface, 2 1/2-feet of curb and gutter and then sidewalk; if the Commission chooses to require it. The traffic study shows there will be about 1,000 trips-per-day coming out of the two accesses from the subdivision; those roads are adequate to handle that traffic flow. If property develops on the southeast portion, which belongs to the Ravensbergs, or on Bliss Law's property, then that road will have to be reevaluated. As part of the development agreement this developer will put into escrow and pay the City the full amount of the width of a 66-foot right-of-way so if the property ever does become available the City will have the money to put it in. If there is new development coming in and attaching to the subdivision, then that access will need to be reevaluated.

MOTION: A motion was made by Commissioner Nielsen to forward to City Council application #2865 with a recommendation for approval with the following conditions: must comply with all the Staff and Engineering evaluations including but not limited to resolution of all the issues from the geotechnical study, the wetlands consultant, storm drainage issue, UDOT approval of the road and access plan, satisfactory water system computer model, resolution of sewer service to lots 37 through 43, contingent on completion of a satisfactory development agreement between the City and the applicant, pioneering agreement with the North Forty Subdivision, recommend that 1500 North also be a dedicated city street with provisions for no parking on the west portion until the full width street is provided and also recommend that sidewalk be deferred on the west part of 1500 North until such time as Highway 38 is improved to that point and requires sidewalk access on that street from the subdivision. Also, that the applicant comply with the Subdivision Ordinance, the P.U.D. Ordinance and the Zoning Ordinance and based on the finding of fact that the applicant will comply with the Staff evaluation and the noted stipulations and conditions and that such use is not, under the circumstance of the particular case, detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance with the Brigham City General Plan. The motion was seconded by Commissioner Peterson and passed unanimously.

APPLICATION #2930 / CONDITIONAL USE PERMIT – HOME OCCUPATION / 314 WEST 500 NORTH / SHANNA SMITH

This is a proposal to relocate the Ta Va Ci School of Performing Arts from the Tamara Van Dusen home to the Shanna Smith home located at 314 West 500 North. They are proposing to turn one bay of their three-car garage into a music studio. There will be approximately 175 to 200 students. Employees will consist of three adults and six student teachers. The existing classes are currently being held at the Van Dusen home on 105 North Eliason. The school has been located at this address for a number of years and has grown substantially. There have been no complaints; however, as this is moving to a new location there may be a number of issues.

Shanna Smith came forward. Chairman Lane stated that as this business is moving into a new neighborhood it will have quite an impact. In the old neighborhood, the neighbors probably didn't notice the comings and goings so much because it grew a little at a time. He mentioned that the Commission's concern was the time schedule and that only 10 minutes between sessions may be insufficient. Mrs. Smith commented that she had talked with Staff and they had decided to up the interval time to 15 minutes and that would relieve a lot of the congestion. She believes they can get kids loaded and unloaded in that amount of time as they all do not arrive or leave at the same time. On average, there are 7 out of a class that will carpool and there are a few that will walk, as weather permits. Mrs. Smith passed out a schedule to the Commissioners. The classes will be held on Tuesday, Wednesday and Thursday each week. Mrs. Smith addressed the issue of employees in a home based business. She talked with the other instructor and they feel that it is very valuable to have the student teachers in the classroom with them as well as for safety reasons. The student teachers make sure the kids get into the classroom and into their cars. She and one other teacher would be the employees and there would be three student teachers; one per day in each of their classes. At any one time, there will be only two teachers in the classroom. Commissioner Nielsen clarified that if this goes forward, that would need to be allowed because currently two employees, not living in the house, working in the business is not allowed. The home is the primary use and the intent of the Ordinance restricting the number of employees is to not have numerous employees showing up at the business and thus changing the primary use of the home. The idea is to protect the impact on the neighborhood.

Mr. Teuscher read a section of the Code which said a home occupation should be conducted primarily by the residents of the premise. The business may have employees but only one employee may come to the home at any one time for the purpose of employment or otherwise approved by the Planning Commission. Mrs. Smith stated that she was given

permission from a neighbor to use her driveway for additional parking; which has two driveways and two accesses and this neighbor would be happy to sign a document stating that. There is ample amount of cement on the Smith driveway for additional parking as well. The student teachers will not be driving to the school as they are young and unable to do so and one will carpool with the other teacher. Mrs. Smith stated that the school is at capacity and will not grow; they cannot fit anymore children on the stage at the high school and they will not do multiple concerts. They have been at these numbers for the past ten years. Mrs. Smith said she talked to the neighbors and wanted to present a signed document to the Commission but they could not allow it as evidence. The neighbors were all notified by the Staff as to her application.

There were some comments from the audience in support of Mrs. Smith continuing the school at her home. Another comment from the audience was about how the current neighborhood has been impacted by the traffic associated with the students coming and going. Mrs. Smith said she talked to the surrounding neighbors about that issue and they stated that they have enjoyed the school being there and did not have any issues with it.

Commissioner Nielsen asked about time limit conditions being set. Mr. Teuscher replied that they may want to set conditions and have this application reviewed in a year to see if there are any problems or if Staff has had any complaints. If there are no complaints and the business is operating within the realms set by the Commission, Staff could verify that status to the Commission.

MOTION: A motion was made by Commissioner Nielsen to approve the conditional use permit for application #2930 under the stipulations that it must comply with Chapters 29.06 Conditional Uses and 29.20 Home Occupations with the modification to 29.20.020a in that there will be a maximum of two nonresident employees allowed in the business at any one time as opposed to one; and that the Staff, particularly Emergency Services, evaluate any impact on the neighborhood, any problem or issues noted and reported back to the Commission in January of 2008, after the first four months of operation, to see if there have been any issues that would warrant changing the conditions on the permit; that the applicant comply with any other noted Staff comments and requirements; based on the finding of fact that such use will not, under the circumstance of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity and that such use is in compliance with the General Plan. The motion was seconded by Roger Handy and passed unanimously.

APPLICATION #2651, #2924 and #2925 / DESIGN GUIDELINES FOR 1100 SOUTH, WEST FOREST STREET AND HISTORICAL DOWNTOWN / BRIGHAM CITY CORPORATION

Amanda Szot and Terrall Budge, Design Workshop, and Larry Douglas, Brigham City Museum Director, came forward. The draft before the Commission is about the fifth version. Most of the changes are in the Main Street design guidelines and include a lot of references to the existing streetscape regarding the architecture in the downtown to continue to maintain that in the existing and new design. The next step for these applications is a public hearing. After the public hearing they would be forwarded to the City Council with recommendation to approve. These guidelines will not be City Code but will be treated like City Code. The July 17th meeting would be a good time to schedule the public hearing. Commissioner Nielsen suggested posting the public hearing on the City website with comment encouraging people to read through the guidelines before attending the public hearing. Special groups such as the Chamber of Commerce, Home Builders Association and major developers will be identified and sent copies of the guidelines to review prior to the public hearing. An effort will be made to get them out to the public, well in advance of the public hearing.

Commissioner Peterson commented that she was really glad to see the increased emphasis on the historic structures in the Main Street guidelines. Mr. Budge stated there will be additional information in the next draft talking about significant existing structures that contribute to the significance of the downtown architecture and those that are noncontributing. Ms. Szot said they tried to make clear the differentiation between all of that and what was previously included in the early versions, which was mostly language for new construction. Mr. Douglas stated that there are some similarities between new construction in an historic area and the existing buildings but there are also different things that need to be taken into consideration with historic buildings. The historic building material, in the standards and guidelines, depends on if the building is significant, contributing or noncontributing. Mr. Douglas gave an example. There were three historic store fronts that were taken off in the 1950's, to build Kings, so that building would fall under new construction. The old JC Penney building is significant and the upper two stories have been redone and also the historic cornice but to change anything on the street level storefront, historic pictures would have to be researched to replicate that historic storefront.

Mr. Budge stated that the document is sensitive to the needs of the area and the most controversy may come as a result of the West Forest Street master plan that has already been approved. It is a different take on what Forest Street is now. They are pushing buildings to the street and making the street walkable and putting parking lots behind buildings. When people look at the guidelines and the master plan they will see that different way of developing and that may be controversial. Mr. Teuscher commented that there are three accesses to the City, 1100 South (SR-91), which is a high vision high speed arterial. Forest Street will become the gateway to Brigham City. The guidelines are intended to

implement those design criteria that the West Forest Street plan has recommended for those areas. The developers on 1100 South will probably see the guidelines as increased cost but the principles are unassailable. Chairman Lane commented that the Commissioners had previously discussed their desire to keep 1100 South from becoming like Riverdale Road.

On Forest Street, there will not be an overpass for the railroad. At 300 North is a railroad crossing which has to remain because there is a dairy farm that is on the east side of the tracks. Once or twice a day, the cows are moved from the fields up to the dairy, which causes the railroad to split their cars at 300 North. The City is working with the railroad and UDOT to close that. A solution for the dairy farm is being worked on. Once that 300 North access is closed, it will allow the Union Pacific to shift all of their switching farther north which will impact Forest Street less. In addition to that, the railroad and UDOT will be redoing the crossing at Forest Street.

In regards to the speed limit on 1100 South, there is nothing the Planning Commission can do to change that; that is controlled by UDOT.

In regards to historic downtown, the current RDA is going away and will become an historic district overlay zone. Everything that fronts on 100 North to almost 200 South, excluding the tabernacle, and from 100 East to 100 West are part of the historical overlay. In that area, criteria has been listed to identify what is significant, contributing and noncontributing. Those terminologies are from the National Park Service and are what are put on buildings and surveys before nomination to the National Register. The only ones that get nominated are the significant buildings and Mr. Douglas can identify individual buildings. Most of the historic buildings have been ruined a little bit but have retained a lot of the historic materials; those buildings are classified as contributing. The noncontributing buildings are ones that have been remodeled and there is no historic material to save. On the west side of Main Street, underneath the metal on the pawn shop, which is the old Eddy Drug Store, there is a beautiful building. At this time, the National Park Service would label that as noncontributing but in the guidelines there is a clause that states that once that slipcover comes off the building, the building will be classified as significant or contributing and there are several other buildings that this can apply to. There could be a reference identifying buildings, structure by structure, and have a database associated with them. Another significance of the guidelines is each developer will know what to expect from their neighbor and what the rules are by which everyone will operate.

These guidelines will not be cost prohibitive to developers but help the City keep a standard as to how we want things to grow and develop to keep the look we want to portray.

Roger Handy suggested having Design Workshop make a presentation to the Chamber of Commerce before the public hearing is held.

MOTION: A motion was made by Commissioner Nielsen to continue applications 2651, 2924 and 2925 to the July 17, 2007 meeting, at which time a public hearing should be planned but give the Staff leeway, if they feel such public hearing is premature, to defer that, at their discretion, to the August 7, 2007 meeting at which time a public hearing will be held on these items. The motion was seconded by Commissioner Peterson and passed unanimously.

PUBLIC INPUT:
There was no public input.

DISCUSSION:

MOTION: A motion was made by Commissioner Nielsen to adjourn. The motion was seconded by Commissioner Peterson and passed unanimously.

The meeting adjourned at 7:55 p.m.

This certifies that the regular meeting minutes of June 05, 2007 are a true and accurate copy as approved by the Planning Commission on July 17, 2007.

Signed: _____
Jeffery R. Leishman, Secretary